

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TERRY LEE HUTTON, JR.,)	
)	
Plaintiff,)	
v.)	NO. CIV-17-0509-HE
)	
DONNA RAYMOND, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Terry Lee Hutton Jr. filed a *pro se* complaint asserting claims under 42 U.S.C. § 1983 against defendants Donna Raymond and Ande Howry. He alleges that these defendants are interstate compact coordinators for the Missouri Department of Corrections and Oklahoma Department of Corrections, respectively. He further alleges that he was transferred to a private corrections facility in violation of the Interstate Corrections Compact (the ICC) between Oklahoma and Missouri, that his transfer was in retaliation for filing a sexual harassment complaint, and that when he appealed to defendants to reverse his transfer, they failed to investigate or grant his request in violation of his due process rights.

This matter was referred to U.S. Magistrate Judge Suzanne Mitchell for initial proceedings, consistent with 28 U.S.C. § 636(b)(1)(B). Judge Mitchell issued a Report and Recommendation (the Report), which concluded that alleged violations of the ICC are not violations of federal law, and are not actionable under 42 U.S.C. § 1983. The Report recommends the case be dismissed, without prejudice, for failure to state a claim for which relief can be granted by this court under 28 U.S.C. §§ 1915(e)(2), 1915A.

Plaintiff has objected, stating his claims are not based solely on the ICC but also on the Prison Rape Elimination Act, 42 U.S.C. § 15601, *et seq.* But he has not alleged how either defendant was involved in the claimed retaliation for reporting sexual harassment or that they had a duty to protect him from such retaliation. The Report properly concludes that the complaint fails to state a claim against either defendant. Accordingly, the Report [Doc. No. 14] is **ADOPTED**, and this case is **DISMISSED** without prejudice to refile. Plaintiff's motions seeking transfer to the custody of the Missouri Department of Corrections [Doc. Nos. 11–13, 16] are **STRICKEN** as moot.

IT IS SO ORDERED.

Dated this 15th day of August, 2017.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE